

SENATE BILL 2101

By Pody

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, relative to teachers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-116, is amended by deleting the section and substituting:

(a) A person commits assault against a teacher, first responder, or nurse who is discharging or attempting to discharge the teacher's, first responder's, or nurse's official duties if the person:

(1) Knowingly causes bodily injury to the teacher, first responder, or nurse; or

(2) Knowingly causes physical contact with the teacher, first responder, or nurse and a reasonable person would regard the contact as extremely offensive or provocative, including, but not limited to, spitting, throwing, or otherwise transferring bodily fluids, bodily pathogens, or human waste onto the person of a teacher, first responder, or nurse.

(b) A person commits aggravated assault against a teacher, first responder, or nurse who is discharging or attempting to discharge the teacher's, first responder's, or nurse's official duties if the person knowingly commits an assault under subsection (a) and the assault:

(1) Results in serious bodily injury to the teacher, first responder, or nurse;

(2) Results in the death of the teacher, first responder, or nurse;

- (3) Involved the use or display of a deadly weapon; or
- (4) Involved strangulation or attempted strangulation.

(c)

(1) Assault under subsection (a) is a Class A misdemeanor and is punished by a mandatory fine of five thousand dollars (\$5,000) and a mandatory minimum sentence of thirty (30) days incarceration. The defendant is not eligible for release from confinement until the defendant has served the entire thirty-day mandatory minimum sentence.

(2) Aggravated assault under subsection (b) is a Class C felony and is punished by a mandatory fine of fifteen thousand dollars (\$15,000) and a mandatory minimum sentence of ninety (90) days incarceration. The defendant is not eligible for release from confinement until the defendant has served the entire ninety-day mandatory minimum sentence.

(d) As used in this section:

(1) "First responder":

(A) Means a firefighter, emergency services personnel, a POST-certified law enforcement officer, or another person who responds to calls for emergency assistance from a 911 call; and

(B) Includes capitol police officers, Tennessee highway patrol officers, Tennessee bureau of investigation agents, Tennessee wildlife resources agency officers, and park rangers employed by the division of parks and recreation in the department of environment and conservation;

(2) "Nurse" means a person who is licensed, registered, or certified under title 63, chapter 7; and

(3) "Teacher" has the same meaning as defined in § 49-5-903.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it, and applies to prohibited acts committed on or after that date.